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COVINGTON & BURLING
 UNION TRUST BUILDING
 WASHINGTON 5, D. C.
 REPUBLIC 7-8900

March 9, 1964

TO MEMBERS OF THE SPECIAL LEGAL COMMITTEE:

Enclosed is a copy of Draft No. IV of the Statement to be presented on behalf of The Tobacco Institute, Inc.

In response to several requests that a succinct summary of the key points be included at the very beginning, and particularly that mention of the work being done on advertising guidelines be included at the outset, there has been inserted at the end of the fourth paragraph on page 1, some additional material.

On March 7, 1964, during the course of his Press Conference, President Johnson made a statement in response to a specific question about smoking and health and the tobacco portion of the Federal farm program. A photocopy of this portion of the Press Conference transcript is included.

On the basis of that statement, the additional paragraph on page 4 has been added.

This draft Statement represents what will be presented to the Commission to the extent that a full presentation is permitted by the Commission. There is as of this writing an unconfirmed rumor that the Commission may elect to foreclose all discussion of its statutory power. If the Commission takes this position, an appropriate statement will be made to protect the position of the Institute and its members with respect to jurisdiction.

In the presentation of this Statement, every effort will be made to offer it in haec verba except that in oral presentation various pronouns may take a more direct form, e.g., "those" for "these" or "that" for "this", reflecting the obvious difference between a written form and an oral presentation.

COVINGTON & BURLING

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Special Legal Committee
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In any event, I plan to request specifically at the end of the presentation that the prepared Statement be included in full text in the record.

Each of you will appreciate the necessity for an early agreement upon a final Statement. Accordingly, we would very much appreciate your telephoning any further comments or suggestions to Mr. Tenko by noon on Wednesday, March 11th.

Once again, we earnestly request that the confidentiality of this full Statement be safeguarded as fully as possible, and reiterate our continued appreciation for the indulgence and splendid cooperation of each member of the Committee.

Yours very truly,

H. Thomas Custer

H2A/at
Encls.

LG

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EXCERPT FROM THE TRANSCRIPTION OF PRESIDENT JOHNSON'S
NEWS CONFERENCE, HELD IN WASHINGTON ON MARCH 7, 1964

(This is taken from the text published in the
New York Times for Sunday, March 8, 1964.)

15 Q. Mr. President, in connection with your announcement concerning anti-smoking since the U. S. Public Health Service has so strongly condemned the use of tobacco as a health hazard, do you see any justification at all for a continued Government subsidy to tobacco growers?

A. I don't think that the report has been made a Government report as yet. I understand it's a committee that was appointed by the Surgeon General with the understanding that, when they made their recommendations, probably a report would be submitted to all the departments of the Government concerned, and that would be the second procedure followed, and then in turn would carefully check and study its recommendations and then look to the Secretary of Health, Education and Welfare. The Government agencies concerned are now making that study, and by due time will make their recommendations.